

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RICARDO NATIVIDAD,

Plaintiff,

v.

DETECTIVE PAUL RALEY, et al.,

Defendants.

CIVIL ACTION
NO. 22-5061

PAPPERT, J.

November 9, 2023

MEMORANDUM

AND NOW, this 9th day of November, 2023, upon consideration of Plaintiff's Amended Complaint (ECF 19), Defendants' Motions to Dismiss (ECF 20 and 23), Plaintiff's Responses to the Motions to Dismiss (ECF 22 and 28) and Defendant's Reply (ECF 30), it is hereby **ORDERED** that the Motions to Dismiss are **GRANTED in part** and **DENIED in part** as follows:

1. ECF 23 is **GRANTED**. Counts I and II are **DISMISSED with prejudice** as to Gallagher and Sax, with the exception that Natividad may file a second amended complaint, consistent with the accompanying memorandum, to allege Sax defied court orders during post-conviction proceedings. Natividad shall file his second amended complaint on or before November 17, 2023. Gallagher is dismissed from the case.
2. ECF 20 is **DENIED**.

BY THE COURT:

/s/ Gerald J. Pappert
GERALD J. PAPPERT, J.